

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

As a preliminary matter, Applicants note the Office Action's acknowledgement of Applicants' claim for foreign priority under 35 U.S.C. § 119(a)-(d), receipt of all certified copies of the priority documents and consideration of the Information Disclosure Statements filed on October 29, 2003, April 1, 2004, July 19, 2004 and October 27, 2004.

Claims 1-16 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,504,628 to Kanno et al. (hereinafter "Kanno").

By this amendment, claims 2, 4, 10 and 12 have been canceled without prejudice to or disclaimer of the subject matter contained therein. Therefore, any outstanding rejections with respect to these claims have been rendered moot. Claims 1 and 9 have been amended to further define the subject matter Applicants regard as the invention as discussed in greater detail below. Editorial amendments have been made to claims 3, 5-8, 11 and 13-16.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier. After amending the claims as set forth above, claims 1, 3, 5-9, 11 and 13-16 are now pending in this application for consideration.

Applicants respectfully submit that the claims are patentably distinguishable over the cited reference as required by § 102. Applicants further submit that the cited reference fails to disclose Applicants' claimed image processing apparatus *wherein the conversion section converts the color image signals into the two-state signals in accordance with whether the color image signals are chromatic color or achromatic color image signals, and the conversion by the conversion section is a color conversion using a look-up table* as now required by amended independent claim 1. Amended independent claim 9 is substantially similar in scope to amended independent claim 1 and recites that same patentable feature in the context of a method claim. The amendments to independent claims 1 and 9, includes the subject matter of canceled claims 2 and 4 and 10 and 12, respectively, along with additional

patentable subject matter. By contrast, the cited reference fails to disclose this claimed feature. Accordingly, independent claims 1 and 9 and claims dependent therefrom are patentably distinguishable over the cited reference. This distinction will be further described below.

THE CLAIMS DISTINGUISH OVER THE CITED REFERENCES

Claims 1-16 stand rejected as being anticipated by Kanno. In response, Applicants traverse the rejection and respectfully submit that the claims are allowable at least for the reasons that follow.

Applicants rely on MPEP § 2131, entitled “Anticipation – Application of 35 U.S.C. 102(a), (b), and (e),” which states that a “claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Section 103 amplifies the meaning of this anticipation standard by pointing out that anticipation requires that the claimed subject matter must be “*identically* disclosed or described” by the prior art reference. (Emphasis added.) It is respectfully submitted that Kanno does not describe each and every element of any of the claims.

Embodiments of the present invention relate to an image processing apparatus. The image processing apparatus includes an input section, a printing color designating section, a conversion section and a color allocation section. The input section is configured to receive color image signals and the printing color designating section is configured to designate printing colors of two colors. The conversion section is configured to receive the color image signals which are received from the input section and to convert the color image signals to two-state signals in a dimension-dropped fashion, while the color allocation section is configured to allocate the printing colors of two colors which are designated by the printing color designating section to the converted two-state signals.

According to one embodiment of the present invention as recited in amended independent claim 1, *the conversion section converts the color image signals into the two-state signals in accordance with whether the color image signals are chromatic color or achromatic color image signals, and the conversion by the conversion section is a color conversion using a look-up table.* With this arrangement color turbidity at the time of color

printing is reduced along with the manufacturing cost of the image processing apparatus since it is not necessary to add an image processing circuit for extracting color (*see*, page 3, lines 5-8). In addition, since RGB signals (a three-dimensional color space) are converted into two-state signals (i.e., chromatic color and achromatic color image signals, which is a two-dimensional color space), processing can be performed at a high speed (*see*, page 6, line 17 through page 7, line 25). One exemplary embodiment of the present invention is illustrated in FIGS. 1 and 2, which show the conversion processing section 14 receiving the RGB signals from the scanner 13 and applies a color conversion processing to these signals carried out in a look-up table system, with the achromatic color area output as black and the chromatic area output as red (page 6, line 18 through page 7, line 8). Applicants respectfully submit that the cited reference fails to disclose this claimed feature and the advantages identified above.

Kanno discloses a color image forming apparatus capable of discriminating the color of an original image. Kanno also discloses a color converter 161 that converts image data into color data (column 12, lines 16-18). With respect to amended independent claim 1, Applicants respectfully submit that the subject matter claimed therein patentably distinguishes over the reference. Specifically, amended independent claim 1 requires ***the conversion by the conversion section is a color conversion using a look-up table***. With respect to the subject matter of canceled claim 4, the Office Action at page 3, states that formula 2 is similar to the look-up table used for color conversion. Applicants respectfully disagree. According to Kanno, color converter 161 includes a masking circuit designed on the basis of formula 2 (column 12, lines 35-37). Thus, Kanno's masking circuit does not qualify as the claimed look-up table.

In addition, independent claim 1 now requires ***the conversion section to convert the color image signals into the two-state signals in accordance with whether the color image signals are chromatic color or achromatic color image signals***. Kanno simply fails to disclose this claimed feature. In view of the fact that the Kanno reference does not disclose each of the claimed features indicated above, this reference cannot be said to anticipate nor can it be said to render obvious the invention which is the subject matter of independent claim 1. Thus, independent claim 1 is allowable. Amended independent claim 9 is substantially similar in scope to amended independent claim 1 and recites that same patentable feature in

the context of a method claim. Thus, for the same reasons advanced above with respect to amended independent claim 1, amended independent claim 9 is also allowable.

Since independent claims 1 and 9 are allowable, claims dependent therefrom, namely claims 3, 5-8, 11 and 13-18 are also allowable by virtue of their direct or indirect dependence from allowable independent claims 1 and 9 and for containing other patentable features. Further remarks regarding the asserted relationship between any of the claims and the cited reference are not necessary in view of their allowability. Applicants' silence as to the Office Action's comments is not indicative of being in acquiescence to the stated grounds of rejection.

CONCLUSION

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 8/27/07
FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 945-6162
Facsimile: (202) 672-5399

By W. K. Agarwal Reg. No. 59396
Pavan K. Agarwal
Attorney for Applicant
Registration No. 40,888